

**ORDINANCE NO. 2009-977-O**

**AN ORDINANCE AMENDING AND SUPERSEDING TITLE 11-4-1 3j OF THE WASHINGTON COUNTY CODE (PRELIMINARY PLAT PROPOSED PLAN)**

WHEREAS, Washington County has previously adopted Title 11-4-1 3j of the Washington County Code (Preliminary Plat, Proposed Plan); and

WHEREAS, Ash Creek Special Service District (“ACSSD”) is the sewer authority for the east side of Washington County, and the Washington County Water Conservancy District (“WCWCD”), by contract with Washington County (“County”), is the sewer authority for the area in Washington County not serviced by ACSSD; and

WHEREAS, Title 11-4-1 3j (Preliminary Plat, Proposed Plan) does not reflect that ACSSD and WCWCD are the entities that need to provide authorization for appropriate waste water service in Washington County.

NOW, THEREFORE, BE IT ORDAINED by the County Legislative Body of Washington County that Title 11-4-1 3j (Preliminary Plat, Proposed Plan) of the Washington County Code is hereby amended and superseded as follows:

1. Statutory Authority
2. Purpose of Provisions
3. Findings
4. Title 11-4-1 3j Amendment
5. Prior Ordinances, Resolutions, Policies and Actions Superseded
6. Effective Date

1. Statutory Authority.

The statutory authority for enacting this ordinance is Utah Code Annotated Sections 17-53-208, 17-53-223, 17-27a-102, 17-27a-601, and 17-27a-602 (1953, as amended).

2. Purpose of Provisions.

This purpose of this ordinance is to amend and supersede Title 11-4-1 3j of the Washington County Code (Preliminary Plat, Proposed Plan) to require that ACSSD and WCWCD are the entities that need to provide authorization for appropriate waste water service in Washington County.

3. Findings.

- A. ACSSD is the sewer authority for the east side of Washington County, and the WCWCD, by contract with the County, is the sewer authority for the area in Washington County not serviced by ACSSD.

- B. Title 11-4-1 3j (Preliminary Plat, Proposed Plan) does not reflect that ACSSD and WCWCD are the entities that need to provide authorization for appropriate waste water service in Washington County.
  - C. Title 11-4-1 3j (Preliminary Plat, Proposed Plan) needs to be amended and superseded to reflect that ACSSD and WCWCD are the entities that need to provide authorization for appropriate waste water service in Washington County.
  - D. The Planning Commission caused notice of the hearing and the proposed amendment of Title 11-4-1 3j of the Washington County Code (Preliminary Plat, Proposed Plan) to be advertised at least ten (10) days before the date of the public hearing in *The Spectrum*, a newspaper of general circulation in Washington County.
  - D. On June 9, 2009, at 1:30 p.m., the Planning Commission held a public hearing to consider any comments regarding the proposed amendment of Title 11-4-1 3j of the Washington County Code (Preliminary Plat, Proposed Plan). The Planning Commission accepted all comments.
  - E. The proposed amendment of Title 11-4-1 3j of the Washington County Code (Preliminary Plat, Proposed Plan) was submitted to the Washington County Planning Commission ("Planning Commission") on June 9, 2009. The Planning Commission recommended approval of the proposed amendment.
  - F. It is in the interest of the public and the citizens of Washington County that the proposed amendment of Title 11-4-1 3j of the Washington County Code (Preliminary Plat, Proposed Plan) be approved.
4. Title 11-4-1 3j Amendment.

Title 11-4-1 3j of the Washington County Code (Preliminary Plat, Proposed Plan) is amended and superseded to read as follows:

11-4-1 3: Proposed Plan: The subdivision plan shall show:

- j. Authorization from the local sewer authority, Washington County Water Conservancy District (WCWCD) or Ashcreek Special Service District (ACSSD), confirming the district will provide authorization for appropriate waste water service, and a letter from Utah State Department of Environmental Quality or the Southwest Utah Public Health Department, whichever agency is applicable, for approving the method of wastewater disposal to be used in the subdivision.

5. Prior Ordinances, Resolutions, Policies and Actions Superseded.

This ordinance amends and supersedes Title 11-4-1 3j of the Washington County Code, and all prior ordinances, resolutions, policies, and actions of the Washington County Board of County Commissioners to the extent that the provisions of such prior ordinances, resolutions, policies, or actions are in conflict with this ordinance. In all other respects, such prior ordinances, resolutions, policies, and actions shall remain in full force and effect.

6. Effective Date.

This ordinance takes effect fifteen (15) days after its passage. Following its passage but prior to the effective date, a copy of the Ordinance shall be deposited with the County Clerk and a short summary of the ordinance shall be published in a newspaper of general circulation within the County as required by law.

APPROVED AND ADOPTED this 16<sup>th</sup> day of June 2009.

WASHINGTON COUNTY

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JAMES J. EARDLEY, Chair  
Washington County Commission

ATTEST:

\_\_\_\_\_  
Kim M. Hafen  
Washington County Clerk-Auditor

Commissioner Eardley voted \_\_\_\_  
Commissioner Gardner voted \_\_\_\_  
Commissioner Drake voted \_\_\_\_